IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO: 544 of 2005

Between:

Mohd. Ilyas, S/o. Mohd. Ismail, Occ : Driver,
II Depot, APSRTC, NIZAMABAD.

... PETITIONER

AND

1 The APSRTC, Nizamabad, rep, by its Regional Manager.
2 The Depot Manager, II Depot, APSRTC, Nizamabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ or order or direction especially one in the nature of Writ of Mandamus; i) Declare the action of the respondents in not granting the special grade increment w.e.f., 01.09.2001 as illegal, arbitrary. ii) Consequently direct the respondents to release the Special Grade increment to the petitioner w.e.f. 01.09.2001 duly granting the consequential benefits. iii) and pass such other order or orders.

Counsel for the Petitioner : MR.K.VASUDEVA REDDY

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court at the stage of admission made the following :

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ORDER:

This writ petition is filed by the petitioner seeking a writ of *Mandamus* declaring the action of the respondents in not granting the Special Grade increment to the petitioner with effect from 01.09.2001, on completion of 12 years of service as illegal and arbitrary and consequently sought for a direction to the respondents to release the special grade increment to the petitioner with effect from 01.09.2001 duly granting the consequential benefits.

2. It is stated that the petitioner joined the respondent Corporation on 01.09.1981 as Driver and was posted to work at Narayankhed, Medak. He was transferred to Nizamabad on request with effect from 19.03.1996. Since then, he has been continuously working in Nizamabad Depot and thus he has completed 12 years of service. Therefore, he is entitled for the benefit sought for by him in this writ petition. It is stated that as per the circulars in vogue, an employee, who completed 12 years of service in one cadre, is entitled for special grade increment. It is stated that the Corporation granted Selection Grade scales to the employees who were junior to the petitioner who have completed 12 years of service by placing them on the Special Grade scale. But, such benefit has not been extended to the petitioner. As the respondents have not granted such benefit in spite of the fact that the issue is covered by the decision of a Division Bench of this Court in **A.P.S.R.T.C vs. P.Kanakaiah**, the petitioner sought for the similar relief**.** In the said judgment, it was also stated that the judgment of the Division Bench of this Court was even confirmed in Special Leave Petition.

3. The learned counsel for the respondent-Corporation, however, fairly conceded

that the issue is covered by the judgment of this Court, but, however, the fact whether the petitioner has completed 12 years of service or not has to be verified.

4. Heard both sides and considered the material on record.

5. The writ petition is disposed of in view of the fact that the issue is covered by the judgment of this Court in the above referred decision, directing the respondents to grant the benefit of Selection Grade scale to the petitioner on completion of 12 years of service, if he has completed the said period in the Corporation. The order is directed to be implemented within eight weeks from the date of receipt of a copy of this order. No order as to costs.

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S.ANANDA REDDY, J

Dated: 07.6.2005.

RAR/KVH

To

1 The Regional Manager, APSRTC, Nizamabad.
2 The Depot Manager, II Depot, APSRTC, Nizamabad.

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